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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 BRANCH BANKING AND TRUST
12 COMPANY, a North Carolina banking
13 corporation,

14 Plaintiff,

15 vs.

16 27TH & SOUTHERN HOLDING, LLC, a
17 Nevada limited liability company, YOEL INY;
18 NOAM SCHWARTZ; YOEL INY, Trustee of
19 the Y&T INY FAMILY TRUST dated June 8,
20 1994; NOAM SCHWARTZ, Trustee of the
21 NOAM SCHWARTZ TRUST dated August 19,
22 1999; D.M.S.I., L.L.C., a Nevada limited
23 liability company; and DOES 1 through 10,
24 inclusive,

25 Defendants.

CASE NO. 2:12-cv-01781-LRH-PAL

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STIPULATED ORDER TO VACATE JUDGMENTS
AND TO DISMISS ACTION WITH PREJUDICE

Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by and through its undersigned counsel of record, and Defendants 27TH & SOUTHERN HOLDING, LLC, YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY FAMILY TRUST dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM SCHWARTZ TRUST dated August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"), by and through their undersigned counsel of record, hereby stipulate and agree to the entry of

1 this Stipulated Order by this Court providing as follows:

2 1. The Final Deficiency Judgment entered in this action in favor of BB&T and
3 against Defendants on July 11, 2016 [ECF No. 97] in the amount of \$2,049,808.83 is hereby
4 vacated;

5 2. The Judgment entered in this action in favor of BB&T and against Defendants on
6 February 8, 2017 [ECF No. 112] awarding BB&T attorney fees in the amount of \$160,971.77
7 and nontaxable costs in the amount of \$9,842.47 is hereby vacated;

8 3. All claims and counterclaims asserted in this action are hereby dismissed with
9 prejudice; and

10 4. The parties shall each bear their own attorney fees and costs incurred in
11 connection with this action.

12 IT IS SO STIPULATED.

13 DATED this 19 day of Dec., 2017.

DATED this 6th day of Nov., 2017.

14 **HOLLAND & HART LLP**

KOLESAR & LEATHAM

15
16 By 

By 

17 JEREMY J. NORK, ESQ.
18 FRANK Z. LA FORGE, ESQ.
19 5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

BART K. LARSEN, ESQ.
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145

Attorneys for Defendants

Attorneys for Plaintiff

22 **IT IS SO ORDERED.**

23
24 
25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE

27 DATED: December 22, 2017
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